

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHMUEL STOLLMAN and ELISA STOLLMAN,
on behalf of their infant children E.S. and L.S.,

Plaintiffs,

- against -

ORDER

LAKEASHA WILLIAMS, MIRIAM ORTIZ-DOWNES,
GLENN HYMAN, KAI HAYES, EDWARD O’CONNOR,
ANNEMARIE FUSCHETTI, KEREN ENNETTE,
CARMELA MONTANILE, EBONY RUSSELL,
TONYA WHELOCK, and CITY OF NEW YORK,

20-CV-8937 (PAE)(KNF)

Defendants.

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KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

The plaintiffs made a “Motion for Issuance of Subpoena,” pursuant to Rule 45(a)(3) of the Federal Rules of Civil Procedure. See Docket Entry No. 49-1. The defendants have not responded to the motion and the time for doing so has elapsed. See Local Civil Rule 6.1 of this court. The plaintiffs’ motion is defective; it does not comply with Local Civil Rule 7.1(a)(2) of this court, as no memorandum of law was filed with the motion. Through the motion, the plaintiffs request that the Court endorse a subpoena they wish to serve. However, by its express terms Rule 45(a)(3) and does not contemplate a judicial officer’s involvement in the issuance of a subpoena. That task is reserved to the Clerk of Court and to counsel. Therefore, the Court will not endorse the subpoena. Failing to comply with a subpoena issued and served properly subjects the noncompliant recipient to the consequences set forth in Rule 45(g) of the Federal Rules of Civil Procedure.

For the reasons outlined above, the plaintiffs' motion, Docket Entry No. 49-1, is denied.

Dated: New York, New York
August 19, 2021

SO ORDERED:



KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE